

command requesting the program guide information.

75. (NEW) The computer readable storage medium in accordance with claim 43, wherein said reserving the upcoming program comprises reserving the upcoming program without retrieving stored program guide information from a memory.

76. (NEW) The computer readable storage medium in accordance with claim 43, wherein the user command is generated in response to a single action of a user.

77. (NEW) The computer readable storage medium in accordance with claim 43, the method further comprising recording the upcoming program in accordance with the program guide information.

78. (NEW) The method of reserved recording in accordance with claim 46, wherein the received program guide information is not stored unless the user command is received.

79. (NEW) The method of reserved recording in accordance with claim 50, wherein the received program guide information is not stored unless the user command is received.

80. (NEW) The computer readable medium in accordance with claim 52, wherein the received program guide information is not stored unless the user command is received.

REMARKS

INTRODUCTION:

In accordance with the foregoing, the claims 54-80 have been added.

No new matter is being presented, and approval and entry of the foregoing amendments and new claims are respectfully requested.

Claims 16-80 are pending and under consideration. Reconsideration is requested.

REJECTION UNDER 35 U.S.C. §102:

In the Office Action at pages 2-8, the Examiner rejects claims 16, 17, 19-26, 28-35, and 37-53 under 35 U.S.C. §102(e) in view of Yuen et al. (U.S. Patent Publication 2002-0012525A1).

This rejection is respectfully traversed and reconsideration is requested.

As noted by the Examiner on page 2 of the Office Action, the changes made to 35 U.S.C.

§102(e) do not apply to the instant application. Under 35 U.S.C. §102(e) as applicable to the instant application, for a publication to qualify as prior art under 35 U.S.C. §102(e), the publication must both be an issued U.S. Patent, and be based upon an application filed in the U.S. prior to the Applicants' invention. Since Yuen et al. is a patent publication and not an issued patent, it does not qualify as prior art under 35 U.S.C. §102(e). In addition, since Yuen et al. was not published until January 31, 2002, it does not qualify as a prior art publication under 35 U.S.C. §§102(a) or 102(b). Therefore, it does not appear that Yuen et al. is available as a prior art publication or patent under 35 U.S.C. §§102(a), (b), or (e).

Since Yuen et al. is not available as prior art, it is respectfully submitted that claims 16, 17, 19-26, 28-35, and 37-53 remain patentable.

REJECTION UNDER 35 U.S.C. §103:

In the Office Action at pages 8-9, the Examiner rejected claims 18, 27, and 36 under 35 U.S.C. §103 in view of Yuen et al. and the Examiner's taking Official Notice of various elements. The rejection is respectfully traversed and reconsideration is requested.

Even assuming arguendo that the Examiner's taking Official Notice of the various elements is proper, the Examiner's taking Official Notice does not cure the above-noted defect of Yuen et al. as applied to claims 16 and 24, from which claims 18, 27, and 36 correspondingly depend. Therefore, it is respectfully submitted that since Yuen et al. does not qualify as prior art and the Examiner's taking Official Notice alone does not disclose or suggest the invention recited in claims 16 and 24, claims 18, 27, and 36 remain patentable due at least to their depending from claims 16 and 24.

PATENTABILITY OF NEW CLAIMS:

Claims 54-80 are deemed patentable due at least to their depending from corresponding claims 16, 24, 37, 46, 50, and 52.

CONCLUSION:

In accordance with the foregoing, it is respectfully submitted that all outstanding objections and rejections have been overcome and/or rendered moot. And further, it is respectfully submitted that all pending claims patentably distinguish over the prior art. Thus, there being no further outstanding objections or rejections, the application is submitted as being in condition for allowance which action is earnestly solicited.

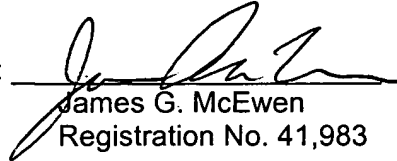
If the Examiner has any remaining issues to be addressed, it is believed that prosecution can be expedited by the Examiner contacting the undersigned attorney for a telephone interview to discuss resolution of such issues.

If there are any additional fees associated with the filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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